

**MEMO ENDORSED**

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**Via ECF**

Hon. Valerie Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

Re: *David A. Joffe v. King & Spalding LLP*  
17 Civ. 3392 (VEC)(SDA)

Dear Judge Caproni:

The parties write pursuant to the Court's October 19, 2021 Order (Dkt. No. 280) to set forth our joint position and proposal with respect to the presentation of certain testimony.

The parties agree that Defendant will offer the testimony of Mr. Robert Thornton and Ms. Meredith Moss on its case-in-chief via deposition designations.

The parties are also conferring on whether the testimony of any other witnesses will be presented by deposition. The parties therefore respectfully request that the Court grant them leave to amend the Proposed Joint Pretrial Order (Dkt. No. 267) to include designations of deposition testimony pursuant to the following schedule:

- Deposition designations due by October 28, 2021
- Counter-designations and objections due by October 31, 2021
- Objections to counter-designations due by November 1, 2021

In addition, the parties seek leave to amend their exhibit lists to include materials that postdate the parties' previously-filed Proposed Joint Pretrial Order.

The parties ask that the updated Proposed Joint Pretrial Order reflecting the amendments referenced above be due no later than 10:00 a.m. on November 2, 2021.

\* \* \*

The parties are available for a telephone conference at the Court's convenience should it require any further information regarding the forgoing.

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We thank the Court for its attention to this matter.

Respectfully submitted,

By: /s/ Joseph Baumgarten  
/s/ David A. Joffe

cc: Counsel of record (via ECF)

The Court would like to discuss these requests with the parties. The Court will hold a conference today, Friday, October 22, 2021 at 5:45 pm. All parties and any interested members of the public must attend by dialing 1-888-363-4749, using the access code 3121171, and the security code 3392. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. Recording or rebroadcasting the proceeding is strictly prohibited by law.

SO ORDERED.



Date: October 22, 2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE